

FEB 05 2008

JOHN E. PORROGAN, CLERK  
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ANGELA M. SEAL,

*Plaintiff,*

v.

MICHAEL J. ASTRUE, COMMISSIONER OF  
SOCIAL SECURITY

*Defendant.*

CIVIL NO. 3:07cv00017

ORDER

JUDGE NORMAN K. MOON

On April 16, 2007, I referred this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment and on December 19, 2007, the Magistrate Judge filed a Report and Recommendation ("Report"). In the Report, Judge Crigler recommended that I deny both Plaintiff's and Commissioner's Motions for Summary Judgment to the extent that they seek either reversal or affirmation, and that I grant Plaintiff's alternative Motion to Remand. Judge Crigler further recommends, that in the event the Commissioner is unable to grant benefits on the current record, he recommit the case to a Law Judge for further evidentiary proceeding at which both parties will be entitled to present evidence, and the Law Judge will be able to consider for the first time the new evidence proffered on administrative appeal. After a review of the record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the December 19, 2007 Report is hereby ADOPTED in its entirety;
2. Plaintiff's alternative Motion to Remand is GRANTED;
3. Plaintiff's and Defendant's Motions for Summary Judgment are DENIED to the extent they seek affirmation or reversal;
4. the case is hereby REMANDED to the Commissioner for further proceedings
5. the Commissioner is DIRECTED that in the event he is unable to grant benefits on the current record, he recommit the case to a Law Judge for further evidentiary proceeding at which both parties will be entitled to present evidence, and the Law Judge will consider the new evidence proffered on administrative appeal.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED: February 4, 2008

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE